

REMARKS

Reconsideration of this application is respectfully requested in view of the following remarks.

Claims 1-5 were pending in this application. In this Amendment, no claims are amended, claims 6-14 are added, and no claims are canceled. Support for the amendments can be found at least at page 16, line 26, through page 18, line 12, and in Figures 7A-10 of the present application. No new matter has been added. After entry of this Amendment, claims 1-14 will be pending. For at least the reasons stated below, Applicant respectfully submits that all claims pending in this application are in condition for allowance.

Applicant respectfully requests that the Examiner consider the Information Disclosure Statement filed August 30, 2007.

Applicant appreciates the courtesies extended by Examiner Mathew in the telephonic interview of December 14, 2007. In the interview, it was submitted that one of ordinary skill in the art would not have combined Sato and Yamaura, and various distinctions between the present invention and the cited references were discussed. In accordance with the topics discussed during the interview, Applicant hereby submits the following remarks.

In the Office Action, claims 1-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Publication No. 10-085361 ("Sato") in view of European Publication No. 0 247 715 ("Yamaura"). To the extent that these rejections may be applied to the currently pending claims, they are respectfully traversed.

The Sato reference describes a muscle development device that is generally similar to the device disclosed in the present application. Both devices comprise a tight fitting band with an

inflatable tube therein to be worn during muscle exercise. The devices differ substantially, however, with respect to the limiter plate that is disposed within the band to direct the inflation of the tube so that it inflates in the direction of the muscle, thereby increasing the pressure applied to the muscle to reduce blood flow. In Sato, the limiter plate 6 is essentially a flat plate that has limited capability to flex or bend in order to follow the contours of a user's limb. The capability of the plate 6 to flex owes itself solely to the flexibility of the material with which the limiter plate is formed.

The present invention, on the other hand, provides a unique limiter plate that greatly improves the operation of the muscle development device. In the embodiment shown in Figures 2-5, the limiter plate of the present invention includes grooves that extend in a direction not parallel to the lengthwise direction of the band. The grooves provide significant advantages in allowing the band to conform to the contours of a user's limb, thereby ensuring a tight and uniform fit around the entire limb, as shown in Figure 6. By contrast, Figure 10 shows how a device in accordance with the conventional teachings of Sato would fail to provide pressure to the entire circumference of a limb, and would instead "bridge" the peak portions of a muscle. (*See, e.g.*, page 5, lines 14-27 of the present application.)

To cure the deficiencies of Sato, the Examiner applied Yamaura. Yamaura discloses a watch band mechanism that includes a plurality of separate parts that are linked successively to each other by projections (2) extending through holes (3) provided in an adjacent part. The primary purpose for providing such an arrangement is to enable a user to assemble and disassemble the band for aesthetic or customization purposes. As such, "the provision of the undercut portion 2a of each projection 2 facilitates the assembly and disassembly of the

projection 2 in the hole 3.” (Col. 4, lines 11-14.) This mechanism enables a user to construct a variety of differently configured watch bands. For example, a user may construct a band with parts that have different colors to permit considerable variation in its design (*see* col. 4, lines 15-21; col. 4, lines 28-39).

Applicants respectfully submit that there is no reason why one of ordinary skill in the art would look to Yamaura to cure the deficiencies of Sato. Yamaura deals with a reconfigurable watch band whose teachings are generally inapplicable to the muscle development device of Sato, in which a limiter plate is intended to be permanently and non-adjustably installed within a hollow band. The interchangeability of the device of Yamaura, which is its primary focus, would be rendered unsatisfactory for its intended purpose.

Further, there is no recognition in the prior art of the problem with which the present invention deals. Accordingly, one of ordinary skill in the art would not have been motivated or otherwise have reason to combine the references. The present invention recognized that the device of Sato was in need of improvement with regard to the characteristics of the limiter plate. One of skill in the art, when faced with Sato and Yamaura, would not be motivated to make the combination since no recognition of the problem, and thus no rationale to combine, would be evident from the references themselves or in the general knowledge of one skilled in the art.

For at least these reasons, the combination of Sato and Yamaura is improper grounds for basing an obviousness rejection under § 103. Accordingly, reconsideration and withdrawal of the rejections of claims 1-5 are respectfully requested.

New claims 6-14 further recite novel and non-obvious features of the invention and are patentable over Sato and Yamaura at least by virtue of their dependency from claim 2 or

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otherwise including all of the limitations of claim 2. The new claims include features that are not disclosed, taught, or suggested by the cited references, as was discussed during the interview of December 14, 2007, and are also patentable for these additional features.

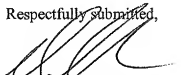
In view of the foregoing all of the claims in this case are believed to be in condition for allowance. Should the Examiner have any questions or determine that any further action is desirable to place this application in even better condition for issue, the Examiner is encouraged to telephone applicants' undersigned representative at the number listed below.

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